



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
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TESTIMONY
ON

SB 423, SD 1 - RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

April 9, 2015

The Honorable Sylvia Luke
Chair
The Honorable Scott Y. Nishimoto
Vice Chair
and Members of the House Committee on Finance

Chair Luke, Vice Chair Nishimoto and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 423, SD 1 - Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu. SB 423, SD 1 appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit and victim witness assistance program.

State law mandates that certain qualifying defendants be prosecuted under the Career Criminal Prosecution (CCP) program (HRS Chapter 845). State law also mandates to the counties that crime victims and witnesses in criminal cases are afforded certain rights and must be provided with specified services (HRS Chapter 801D). In order to avoid the unfunded mandate prohibition provided by the Hawaii State Constitution, it was the practice for the State to provide funding for these services. This bill will provide the necessary funding required for these programs that are required by state law.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 423, SD 1.

Thank you very much for the opportunity to provide testimony on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai'i**

April 9, 2015

**RE: S.B. 423, S.D. 1; RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF
THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Chair Luke, Vice Chair Nishimoto, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 423, S.D. 1.

Pursuant to legislation passed in 1979, and codified as sections 845-1, 845-2, and 845-3, Hawai'i Revised Statutes ("HRS"), the Career Criminal Prosecution program was created because a disproportionate amount of serious crimes are committed by a relatively small number of multiple- and repeat-felony offenders, commonly known as "career criminals." In response, the State created the Career Criminal Prosecution program, which it originally funded annually. Money spent on this unit is an efficient use of resources, in terms of providing citizens with swift and effective justice, and reducing heavy caseloads and long court delays. With your support, the Department will have the tools necessary to protect our public from career criminals.

Since 1983, the Legislature has also provided support for the Victim Witness Assistance Program. In 1986, the Legislature enacted HRS §28-111, which established the Victim Witness Assistance program on a statewide basis. While the statute established the program in the Department of the Attorney General, for the purpose of providing information, assistance, funding, and support services to the victims and witnesses of crimes committed in Hawaii, all of the direct services are provided by each county's prosecuting attorney. Adequate funding is necessary for our Department to be able to provide these vital services.

For all of the foregoing reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 423, S.D. 1, which will provide the funding needed to provide state-mandated services to our community in the fields of Career Criminal and Victim Witness Assistance. Also, as the legislative session progresses, we humbly ask that the requested funding—in the amount of \$492,125—be inserted into the State Budget, along with similarly necessary funding for each county prosecutor. Thank you for the opportunity to testify on this.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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**TESTIMONY IN STRONG SUPPORT OF
SB423 – RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE
PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU.**

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Finance
April 9, 2015, 2:00 p.m., Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB423 – Relating to Appropriations to the Department of the Prosecuting Attorney of the City and County of Honolulu.

In supporting these Appropriations, we adopt the reasoning set forth in the testimony submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu and echo the testimony we set forth in our testimony in support of the Kaua'i Prosecutor's bill (SB1305). The Career Criminal Prosecution Unit and Victim Witness Assistance Program are vital, state-mandated programs that address the most serious criminals and provide direct services to victims of crime.

Accordingly, we are in **STRONG SUPPORT** of SB423. We request that your Committee PASS the Appropriations.

Thank you very much for the opportunity to provide testimony on these Appropriations.

MITCHELL D. ROTH
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DALE A. ROSS
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 423, SD1

A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE
DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE
CITY AND COUNTY OF HONOLULU

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Y. Nishimoto, Vice Chair

Thursday, April 9, 2015, 2:00 p.m.
State Capitol, Conference Room 308

Honorable Chair Luke, Vice-Chair Nishimoto, and Members of the Committee on Finance, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 423, SD1.

This measure appropriates moneys to the Department of the Prosecuting Attorney of the City and County of Honolulu, for the Career Criminal Prosecution Unit (CCP) and Victim Witness Assistance Program (VWAP).

The funding of these programs are essential for City and County of Honolulu prosecutors and will ensure the CCP and VWAP continue to make a positive effect on the citizens of Kauai.

State law mandates that certain qualifying defendants be prosecuted under the CCP program (HRS Chapter 845). State law also mandates to the counties that crime victims and witnesses in criminal cases are afforded certain rights and must be provided with specific services (HRS Chapter 801D). In order to avoid the unfunded mandate prohibition provided by the Hawai'i State Constitution, it was the practice for the State to provide funding for these services.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 423, SD1, which will provide the funding needed to maximize our service to our community in the fields of Career Criminal and Victim Witness Assistance. Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Mall, Suite 600
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MARI McCAIG
Chair

MARTHA ROSS
Interim Commissioner

ABELINA M. SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 423, SD1
RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING
ATTORNEY OF THE CITY AND COUNTY OF HONOLULU

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Thursday, April 9, 2015; 2:00 PM
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance:

Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of Senate Bill 423, SD1. Senate Bill 423, SD1, appropriates funds for grants-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit and for the victim witness assistance program.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

The Commission estimates that over eighty percent (80%) of the violent crime victims who apply for compensation are referred through the county victim witness assistance programs. The county victim witness assistance programs play an important role in mitigating the emotional and financial suffering experienced by victims through their referrals to the Commission and to other social service agencies. The county victim witness assistance programs also support and guide victims through the criminal justice process, helping to ensure that offenders can be successfully prosecuted.

Many victims and surviving family members, particularly victims and survivors of violent crimes like murder and sexual assault, would not be able to make it through the criminal justice process without the support and guidance of a victim witness advocate. Victim witness advocates notify crime victims of hearing dates and major developments in their case, accompany victims and survivors to court where necessary, and help victims and survivors with victim impact statements to enable them to exercise their right to be heard at sentencing. This is all in addition to informing victims and survivors about the social services and financial assistance available to them as crime victims.

The county victim assistance programs need sufficient funding for staff in order to continue to provide these important services. The Commission urges you to support the appropriation of grants-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu for the victim witness assistance program. Thank you for providing the Commission with the opportunity to testify in support of Senate Bill 423, SD1.

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Since 1983, the Legislature has also provided support for the Victim Witness Assistance Program. In 1986, the Legislature enacted HRS §28-111, which established the Victim Witness Assistance program on a statewide basis. While the statute established the program in the Department of the Attorney General, for the purpose of providing information, assistance, funding, and support services to the victims and witnesses of crimes committed in Hawaii, all of the direct services are provided by each county's prosecuting attorney. Adequate funding is necessary for our Department to be able to provide these vital services.

For all of the foregoing reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 423, S.D. 1, to provide the funding needed to maintain these state-mandated services to the people of Honolulu, in the amount of \$492,125 for Career Criminal Prosecution, and \$369,473 for Victim Witness Assistance. In the alternative, we humbly ask that the requested funding be inserted into the State Budget, along with similarly necessary funding being requested by each county prosecutor. Thank you for the opportunity to testify on this matter.